

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

M.D., Individually; A.W., Individually; J.P.S.,
As Parent and Next Friend of D.S., Minor Child;
and D.S., Individually;

Plaintiffs,

vs.

STATE OF NEBRASKA, YOUTH
REHABILITATION AND TREATMENT
CENTER AT GENEVA, NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN
SERVICES, of the State of Nebraska;
DANNETTE SMITH, Chief Executive Officer
of the Department of Health and Human
Services, Individually; TREVOR SPIEGEL,
Individually; MARK LABOUCHARDIERE,
Individually; PAUL GORDAN, Individually;
and DAN SCARBOROUGH, Individually;

Defendants.

4:21CV3315

ORDER

J.P., as Next Friend of A.S.W.; and A.S.W.,
Individually;

Plaintiffs,

vs.

4:22CV3095

ORDER

STATE OF NEBRASKA, The; YOUTH REHABILITATION AND TREATMENT CENTER AT GENEVA, The; NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES OF THE STATE OF NEBRASKA, The; DANNETTE SMITH, Chief Executive Officer of the Department of Health and Human Services, Individually; TREVOR SPIEGEL, Individually; MARK LABOUCHARDIERE, Individually; and DAN SCARBOROUGH, Individually;

Defendants.

This matter is before the Court on the Motion to Consolidate filed in Case No. 4:21CV3315. ([Case No. 4:21CV3315, Filing No. 29.](#)) The motion is unopposed. Having considered the matter, the motion will be granted. Both cases involve common questions of law and fact, and consolidation would reduce expense and delay, as well as promote judicial economy.

Accordingly,

IT IS ORDERED:

1. The Motion to Consolidate ([Case No. 4:21CV3315, Filing No. 29](#)) is granted.
2. Case No. 4:21CV3315 is consolidated with Case No. 4:22CV3095 for discovery, trial, and all other purposes.
3. The Clerk of Court shall request a reassignment order from Chief United States District Court Judge Robert Rossiter, Jr. as the above-captioned cases are presently assigned to different judges.
4. Case No. 4:21CV3315 is hereby designated as the “Lead Case.” Case No. 4:22CV3095 is hereby designated as the “Member Case.”

5. The Court's CM/ECF System has the capacity for "spreading" text among the consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in all Member Cases. To this end, the parties are instructed to file in the Lead Case, Case No. 4:21CV3315, all further documents except those described in paragraph 6 and to select the option "yes" in response to the System's question whether to spread the text.

6. The parties may not use the spread text feature to file complaints, amended complaints, and answers; to pay filing fees electronically using pay.gov; or to file items related to service of process.

7. If a party believes that an item in addition to those described in paragraph 6 should not be filed in all the consolidated cases, the party must move for permission to file the item in one or more individual member cases. The motion must be filed in all the consolidated cases using the spread text feature.

8. The parties shall contact the Court within seven days of a ruling on the Motion to Dismiss ([Case No. 4:21CV3315, Filing No. 23](#)) filed in Case No. 4:21CV3315 for further instruction regarding case progression in this consolidated litigation.

Dated this 27th day of June, 2022.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge